

# **Government of Georgia**

## **Resolution № 507**

December 29, 2011

Tbilisi

### **On Approval of the Amounts of Fee for Notary Services and Fee Due to the Notary Chamber of Georgia, the Procedure of Payment Thereof and the Terms of Service**

**Article 1.** Pursuant to Paragraph 1 of Article 21 of the Notary Law of Georgia, the attached Amounts of Fee for Notary Services and Fee Due to the Notary Chamber of Georgia, the Procedure of Payment Thereof and the Terms of Service be approved.

**Article 2.** This Resolution be enacted from 1 January 2012.

**Prime Minister**

**N. Gilauri**

#### **Amendments:**

1. Resolution N158 of the Government of Georgia, dated 30 April 2012 – website, 03.05.2012

### **The Amounts of Fee for Notary Services and Fee Due to the Notary Chamber of Georgia, the Procedure of Payment Thereof and the Terms of Service**

#### **Chapter I**

##### **General Provisions**

#### **Article 1. Scope of Application**

The Amounts of Fee for Notary Services and Fee Due to the Notary Chamber of Georgia, the Procedure of Payment Thereof and the Terms of Service (hereinafter - the Procedure) covers the amounts of remuneration of notarial actions, legal advice and technical services related thereto, the terms of service and the procedure of payments, also the amount of fees due to the Notary Chamber of Georgia, the terms of service and the procedure of payment.

#### **Article 2. Concept of Notary Service Fee**

The notary service fee (hereinafter – the Fee) is the remuneration of performing notarial actions, also giving legal advice and providing technical services, which does not include the value added tax.

### **Article 3. Amount of Fee**

1. The amount of fees for certification of contracts, for the authenticity of which it is required by law to be notarially executed, may be determined only by this Procedure.
2. The amount of fees for certification of contracts, for the authenticity of which it is not required by law to be notarially executed, also the amount of fees for other notary services may be determined by this Procedure or defined by agreement between the notary and the person concerned.
3. The amount of fees shall be determined based on the value of subject (thing or right) or at the rates independently from the contract value.
4. When determining the amount of fees, namely, when establishing the minimum and maximum limits, due consideration shall be given to the complexity of notarial act, the legal advice given, the technical service rendered and the time spent.
5. For the notarial act, for performance of which certain fees are determined by this Procedure, a notary shall make an applicant pay such fees in the amount determined by this Procedure. A notary is authorized to agree with the person concerned about the fees for the service, remuneration of which is not covered by this Procedure.

### **Article 4. Procedure for Remuneration of Notarial Actions**

1. Under this Procedure, the following services shall subject to remuneration:
  - a) Performing notarial actions;
  - b) Drafting documents;
  - c) Issuing copies of documents and performing technical work;
  - d) Giving legal advice;
2. Payments shall be made in the manner prescribed by laws.

### **Article 5. Fee Payment Term**

1. Fees shall be paid upon provision of appropriate services.
2. A notary is authorized not to give the documents submitted thereto for notarial action until the fees for appropriate services are not paid and the costs incurred are covered.
3. A notary shall:
  - a) Introduce a person concerned to the rates for performance of notarial and other acts;
  - b) Indicate the amount of fee paid in all notarized documents.

4. Upon receipt of payments, a notary shall present an invoice to the person liable for payment indicating the following details:
  - a) First name, last name of the notary and address of the notary office;
  - b) Invoice number and the date of issuance;
  - c) First name, last name and address of the person liable for payment;
  - d) Registration number assigned to notarial act in the Electronic Notary Registry;
  - e) The contract value and the amount of fee paid;
  - f) The articles of this Procedure on the basis of which the fee has been paid.
5. One duplicate of the invoice shall remain with the notary and be attached to the notarial deed.
6. A notary shall place the information about the rates of fees determined by this Procedure in a conspicuous place.

## **Chapter II**

### **Contract Value**

#### **Article 6. Basis for Determining the Contract Value**

1. The basis for determining the contract value when performing a notarial act shall be the value of the subject of contract (thing or right).
2. The contract value when performing a notarial act shall be the value of the subject of contract (thing or right) declared by parties.
3. If the contract value or inheritance property value is expressed in foreign currency, the fee shall be calculated by the official exchange rate of GEL against such foreign currency determined by the National Bank of Georgia on the day of payment.
4. If the value of the subject of contract (thing or right) is declared by the parties apparently inappropriate, the basis for determination of contract value shall be the market value of the subject (thing or right) prescribed by the Tax Code of Georgia.
5. A notary is not authorized to request the person applying for the notarial act to present any other document evidencing the value of the subject of contract (thing or right), except as provided by the laws.

#### **Article 7. Document Containing Several Contracts**

If a document contains several contracts, the contract value shall be the total value of all contracts.

#### **Article 8. Change of Contract or Change of Liable Persons**

1. When certifying the contract, making changes to which leads to the increase/reduction of the value of the subject of contract (thing or right), the contract value shall be the amount by which the value of the subject of contract (thing or right) has been increased/reduced.
2. If any liable person changes, the contract value shall be the half of the obligation value.
3. The contract value in terms of multi-person obligation shall be the part of the half of the initial value, which equals the portion of obligation of the person to be changed.
4. Unless otherwise established by this Procedure, when making changes to contract that are not associated with the contract value or the change of persons, the price for certification of such changes shall be GEL 25.

#### **Article 9. Contract Value in terms of Division of Real Thing, Merger of the Parts Thereof and Consolidation of Real Things**

1. When dividing a real thing, the contract value shall be the value of the thing to be divided.
2. When merging the parts of a real thing with another real thing, the contract value shall be the value of the part to be merged.
3. Based on the merger of real things, the contract value for one real thing so formed shall be the value of the higher value thing to be merged.

#### **Article 10. Value of Contracts Concluded for Security of Obligations**

1. The value of contract concluded in order to secure claim shall be the value of claim.
2. Mortgage contract value shall be the mortgage amount.
3. If the document reflects the contract itself and the contract on securing the fulfillment thereof, the contract value shall be the value of higher value contract.
4. When altering the sequence of mortgage right in the Public Registry, the contract value shall be the value of the lower value right altering the sequence.

#### **Article 11. Value of Contracts Related to Servitude**

The value of contract related to servitude shall be the value of real thing increased as a result of charging with servitude. If the parties have determined the annual servitude payment, the contract value shall be the amount of annual servitude payment, which shall not be more than the amount calculated for 5-year period. Annual contract value shall not be less than 10 GEL.

#### **Article 12. Value of Contracts Related to Use and Ownership Rights**

1. The value of contracts related to the rights of use and ownership for specific period (including the rights to lease, rent, and borrow) shall be calculated from the full value of the contract period, which shall not be more than the amount calculated for 5-year period.
2. The value of contracts to the rights of use and ownership for unlimited period of time shall be the triple amount of annual value of such rights.
3. The value of contracts shall be calculated from the value of the subject of contract (thing or right) for the full period of contract but no more than 2 years.
4. If the right of use by its content corresponds to any servitude, the value of contract shall be determined in accordance with Article 11 of this Procedure.

### **Article 13. Value of Contracts Related to Right to Build**

The value of contracts related to the right to build shall be the annual amount of the price paid for the right to build, which shall not be more than the amount calculated for 5-year period.

### **Article 14. Value of Contracts Related to Preemptive Right**

The value of contracts related to the preemptive right shall be the 20% of the value of the subject of contract (thing or right).

### **Article 15. Value of Contracts Related to Claims Concession**

1. When certifying the contracts of claim concession or debt assignment, or when increasing/reducing the amount in the initial contract, the contract value shall be the amount of unexercised right and outstanding obligation or the amount by which the initial contract value has been increased/reduced.
2. If the term is extended in the initial contract, the fee amount shall be the 20% of the payment made for the contract.

### **Article 16. Value of Contract of Exchange**

The value of contracts of exchange shall be calculated from the value of higher value object (thing or right).

### **Article 17. Value of Contract Related to Common Property**

1. The value of contracts related to distribution of equity-owned property or use of such property in a defined manner shall be the price of the property which subject to distribution or against which the procedure of use is determined.

2. The value of marriage contract shall be the value of the property which is the subject of such contract. This implies the already existing property. The value of marriage contract shall not be less than 60 GEL.
3. The price for issuance of ownership certificate shall be calculated from 20% of the property value specified in the certificate.

#### **Article 18. Fee for Actions Related to Inheritance**

1. The fee for issuance of inheritance certificate shall be calculated from the inheritance value.
2. In case of several heirs, the fee shall be calculated in proportion to the share of each heir.
3. The fee for issuance of inheritance certificate for the property purchased during the period of cohabitation of spouses and remained after the death of one of the spouses shall be calculated only from the value of the portion of the property, for which the inheritance certificate is issued (the value shall be determined in accordance with the Public Registry data).
4. The fee for issuance of inheritance certificate for securities (bonds, promissory notes, checks, stocks) and certification of contracts related thereto shall be calculated from the value of securities. If the market price of securities cannot be determined, their nominal value shall be considered.
5. The fee for actions related to the protection of inheritance property shall be calculated from 15% of the value of inheritance property protected.
6. The fee for issuance of certificate of inheritance administrator appointment, issuance of certificate of application for inheritance receipt, change of inheritance certificate/cancellation of inheritance certificate shall be GEL 10.

#### **Article 19. Amount of Fee for Certification of Founding Documents of Entrepreneurial (Commercial) Legal Entities**

1. The fee for certification of the contracts related to establishment or reorganization of entrepreneurial (commercial) legal entities, the founding documents and changes thereto, also the contracts whereunder the share of entrepreneurial (commercial) legal entity is transferred, shall be determined in agreement between the notary and the person concerned.
2. The amount of fee set forth in Paragraph 1 of this Article shall not exceed GEL 1 000.

#### **Article 20. Fee for Certification of Founding Documents Related to Establishment or Reorganization of Non-entrepreneurial (Non-commercial) Legal Entities, Parties**

1. The fee for certification of founding documents related to establishment or reorganization of non-entrepreneurial (non-commercial) legal entities and/or making amendments to the founding documents shall be GEL 18.
2. The fee for certification of founding documents related to establishment or reorganization of parties and/or making amendments to the charter shall be GEL 18.

**Article 21. Amount of Fee for Drawing up the Minutes of the Meeting of Governing Bodies of Entrepreneurial Legal Entities**

1. The amount of fee for drawing up the minutes of the meeting of governing bodies of entrepreneurial legal entities (including the meeting through direct electronic means of communication) and decisions made thereat shall be determined in agreement between the notary and the person concerned.
2. The amount of fee set forth in Paragraph 1 of this Article shall not exceed GEL 500.

**Article 22. Fee for Drawing up the Minutes of the Meeting of House Condominium Members**

1. The fee for drawing up the minutes of the meeting of house condominium members shall be GEL 100.
2. The fee for issuance of certificate of disruption of the meeting of house condominium members shall be GEL 50.

**Chapter III**

**Procedure for Calculation of Fees Determined by Contract Value**

**Article 23. Rates of Fees Determined by Contract Value**

1. The rates of fees determined on the basis of bilateral and multilateral contract values shall be as follows:

№	When the contract value is	The amount of fee in GEL makes the following of contract value
1	GEL 500 inclusive	3%
2	From GEL 501 to GEL 1000 inclusive	GEL 15 + 2,5% of the amount above GEL 500

3	From GEL 1001 to GEL 2000 inclusive	GEL 27,5 + 1,5% of the amount above GEL 1000
4	From GEL 2001 to GEL 3000 inclusive	GEL 42,5 + 1% of the amount above GEL 2000
5	From GEL 3001 to GEL 5000 inclusive	GEL 52,5 + 0,5% of the amount above GEL 3000
6	From GEL 5001 to GEL 20000 inclusive	GEL 62,5 + 0,4 % of the amount above GEL 5000
7	From GEL 20001 to GEL 100000 inclusive	GEL 122,5 + 0,3% of the amount above GEL 20000
8	From GEL 100001 to GEL 500000 inclusive	GEL 362,5 + 0,2% of the amount above GEL 100000
9	From GEL 500001 to GEL 1000000 inclusive	GEL 1162,5 + 0,1% of the amount above GEL 500000
10	Above GEL 1000000	GEL 1662,5 + 0,05% of the amount above GEL 1000000

2. Unless otherwise provided for by this Procedure, the fee for certification of unilateral contracts shall be the half amount of the rates set forth in Paragraph 1 of this Article.
3. The fee provided for by this Article shall not be more than GEL 10 000.
4. If two or more notaries participate in certification of contract in the manner prescribed by laws, the fee set forth in this Article shall be equally distributed among all notaries, unless otherwise provided for by agreement between them.

**Article 24. Fee for Certification of Contract Concluded for Determination of the Procedure for Property Distribution or Property Use**

The fee for certification of contracts concluded for determination of the procedure for equity-owned property distribution or equity-owned property use shall be the half rate fixed by the contract value.

**Article 25. Fee for Certification of Contracts of Proprietary Interests**

The fee for contracts of purchase and pledge of proprietary interests shall be GEL 10.



## **Article 26. Fee for Certification of Agreements on State Property Privatization**

1. The fee for certification of agreements on state property privatization shall be the 0,2% of the property purchase price, which shall not be more than GEL 200.
2. The fee for certification of agreements on apartment privatization shall be GEL 1.

## **Article 27. Fee for Certification of Agreements on the Transfer of Main Property Ownership by the State to Local Self-governing Unit**

The fee for certification of agreements on the transfer of ownership of main property by the state to local self-governing unit shall be GEL 1.

## **Article 28. Fee for Certification of Cancellation (Termination) of Contract**

1. The fee for certification of cancellation (termination) of bilateral or multilateral contract shall be GEL 15.
2. The fee for certification of cancellation (termination) of assignment agreement shall be the half of the fee intended for certification of such agreement.
3. Pursuant to Article 32 of this Procedure, the cancellation (termination) of any certified application or power of attorney or the changes thereto shall not be certified by use of direct electronic means of communication. The fee for performed notarial action shall be the half of the fee provided for by Article 32 of this Procedure.

## **Article 29. Fees for Other Notarial Acts**

1. Fees in the half amounts of the rates set forth in Paragraph 1 of Article 23 of this Procedure shall be paid for the performance of the following notarial acts:
  - a) Issuance of title certificate, but not more than GEL 10;
  - b) Issuance of inheritance certificate;
  - c) Performance of notarial acts related to inheritance protection, but not less than GEL 10;
2. Fees in the quarter amounts of the rates set forth in Paragraph 1 of Article 23 of this Procedure shall be paid for the performance of the following notarial acts:
  - a) Taking money, securities and other valuables on deposit, but no less than GEL 4 per each month;
  - b) Certification of contract related to alteration of the sequence of mortgage right in the Public Registry, but no less than GEL 5;
  - c) Certification of application for making changes in the Public Registry, but no less than GEL 4.

3. In case of taking money on deposit, in addition to the fee set forth in Subparagraph “a” of Paragraph 2 of this Article, the notary remuneration shall also include the total amount of interest rate accrued on deposit.

### **Article 30. Fee for Contract Drafting**

For the contract drafting which was not followed by a notarial act, the fee shall be paid in the half amount of the rate set forth in Paragraph 1 of Article 23 of this Procedure, but no less than GEL 2.

## **Chapter IV**

### **Fee Rates Determined Independently from the Contract Value**

#### **Article 31. Notarial Acts Subject to Remuneration at Fixed Fee Rates**

The following notarial acts shall subject to remuneration at fixed fee rates:

1	Certification of will	GEL 9
2	Drawing up a protocol of will opening	GEL 5
3	Certification of genuineness of signature	GEL 2
4	Certification of document translation accuracy	GEL 1 per each page
5	Certification of accuracy of document copy and document extract	GEL 0.5 per each page
6	Issuance of the copy of the document maintained in the notary office	GEL 3
7	Certification of power of attorney	GEL 10
8	Execution of maritime protest	GEL 300
9	Certification of the fact of a citizen being alive	GEL 2
10	Certification of the fact of a citizen being at a certain place	GEL 2
11	Certification of the time of document submission	GEL 2
12	Certification of the identity of the person depicted in the photo	GEL 2
13	Transfer of applications of individuals and legal entities to other individuals and legal entities	GEL 3
14	Drafting of applications	GEL 1
15	Issuance of certificates of service or non-service of an application	GEL 2

	or summons upon an individual or legal entity	
16	Issuance of inheritance certificate without property valuation	GEL 20
17	Issuance of writ of execution	GEL 100

**Article 32. Amount of Fee for Certification of Applications Received through Direct Electronic Means of Communication**

The fee for certification (amendment/cancellation (termination)) of applications, powers of attorney received by use of direct electronic means of communication shall be GEL 50.

**Article 33. Fee for Legal Advice**

The fee for legal advice, which is not associated with the performance of any notarial action, shall be determined by agreement between the notary and the person concerned.

**Chapter V**

**Procedure for Payment of Technical Work and Other Costs Related Notarial Actions**

**Article 34. Payment of Costs Incurred for Performance of Notarial Acts**

1. The person at the request of which a notarial action is performed shall pay the costs of international telephone, fax, telefax, parcel post, transportation related to the notarial service, the costs of requesting documents and information necessary for the notarial act, also the costs of registration of notarized document and/or right. The service shall be rendered on the basis of preliminary agreement with the person concerned.
2. If a notarial act is performed out of the notary office, the amount agreed between the notary and the person concerned shall add to the notarial fee, which shall not exceed GEL 20.
3. If payment for the service rendered at the client's request is made according to the time spent, the time spent less than half an hour shall be rounded up to half an hour, and the time spent from half an hour to one hour shall be rounded up to one hour.
4. The requirements set forth in this Article shall not apply to drawing up the minutes of the meeting of governing body of entrepreneurial legal entity.

**Article 35. Fee for Making a Copy**

1. The fee for making a copy shall be the market price of copy making.

2. For making the copy of the document, which relates to the performance of a notarial act and remains in the case file, no fees shall be paid.

## **Chapter VI**

### **Procedure for Appeal of Fees Paid for Notary Services**

#### **Article 36. Appeal**

The person who believes that the fee paid thereby for notary and other services is incorrect may apply to court in the manner prescribed by laws.

#### **Article 37. Procedure for Refund by Notary of Payments Made and Notary's Responsibility**

If the court establishes the fact of illegal payment of notarial fee, the notary shall refund the amount and bear responsibility in accordance with the laws of Georgia.

## **Chapter VII**

### **Amount of Fee Due to the Notary Chamber of Georgia, Terms of Service and Procedure for Payment**

#### **Article 38. Fees Due to the Notary Chamber of Georgia**

The fees due to the Notary Chamber of Georgia shall be the fee for registration of notarial acts, and the fee to be paid for the service rendered by the Notary Chamber of Georgia and for internship at the Training Center at the Notary Chamber of Georgia.

#### **Article 39. Fee for Registration of Notarial Act**

1. The fee for registration of notarial acts in the Electronic Notary Registry (except the registration of certifying the conformity of copy with original document) shall be GEL 2,00 (value added tax inclusive).
2. The fee for registration of notarial acts shall be paid to the notary who will ensure the transfer thereof to the account of the Notary Chamber of Georgia.

#### **Article 40. Fee for Internship at the Training Center at the Notary Chamber of Georgia**

The fee for passing two stages of internship at the Training Center at the Notary Chamber of Georgia shall be GEL 600.

## **Article 41. Terms and Fees Fixed for the Services Rendered by the Notary Chamber of Georgia**

1. The following terms and fees are determined for the services rendered by the Notary Chamber of Georgia:
  - a) Issuance of certified copies of the documents maintained in the archive of the Notary Chamber of Georgia within 4 business days – GEL 15;
  - b) Issuance of any certificate/information about the documents maintained in the archive of the Notary Chamber of Georgia or contents thereof or absence thereof, and certificate/information about non-fulfillment of notarial acts within 4 business days – GEL 10. In addition, if the certificate/information contains the information about the documents maintained in the archive of several notaries, the amount of fee shall increase in the sequence.
2. The Notary Chamber of Georgia provides expedited services within the following terms and at the following prices:
  - a) Issuance of certified copies of the documents maintained in the archive of the Notary Chamber of Georgia: on the date of application (on working days) – GEL 35, in one business day after application – GEL 25;
  - b) Issuance of any certificate/information about the documents maintained in the archive of the Notary Chamber of Georgia or contents thereof: on the date of application (on working days) – GEL 30, in one business day after application – GEL 20;
3. Budgetary institutions shall be exempt from payment of fees for the services rendered; also the request of certificate/information, certification of the copy of document by notary shall not subject to remuneration.

*Resolution N158 of the Government of Georgia, dated 30 April 2012 – website, 03.05.2012*

## **Article 42. Refund of Fees Paid to the Notary Chamber of Georgia**

1. The applicant shall be refunded the fee paid to the Notary Chamber of Georgia if:
  - a) The applicant requested the refund of paid fee before filing an application;
  - b) The fee was paid in the amount more than the rate fixed by this Procedure. In this case, the difference between the amount paid and the rate fixed by this Procedure shall be refunded;
  - c) The fee was paid by the entity released from such payments under this Procedure;
  - d) (Deleted – 30.04.2012, N158);
  - e) Expedited services were not rendered for the reasons beyond the control of the person concerned. In this case, the difference between the price for expedited services and the price for non-expedited services shall be refunded.

2. Fees shall be refunded within 10 business days after the request of the person concerned. The request shall contain the legal basis for full or partial refund of fees paid. The request shall be submitted within 30 days after payment of fees. After expiration of this term, the fees paid shall not subject to refund. Missed deadline can not be restored or extended.

*Resolution N158 of the Government of Georgia, dated 30 April 2012 – website, 03.05.2012*